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Attorneys for Defendant
CONAGRA FOODS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LEVI JONES, CHRISTINE STURGES, and
EDD OZARD, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

CONAGRA FOODS, INC.,

Defendant.

Case No. 12-cv-1633-CRB

**STIPULATION AND ~~PROPOSED~~
ORDER RE EXTENSION OF TIME
TO RESPOND TO AMENDED
COMPLAINT AND MODIFYING
BRIEFING AND CMC SCHEDULE**

The Hon. Charles R. Breyer

1 Plaintiffs and Defendant ConAgra Foods, Inc. (“Defendant” or “ConAgra”), by and
2 through their respective counsel of record, enter into the following stipulation, based upon the
3 recitals below;

4 WHEREAS Plaintiff Jones filed a Complaint on April 2, 2012, which was served on
5 ConAgra on April 6, 2012;

6 WHEREAS, pursuant to a stipulation providing that ConAgra could respond to the
7 Complaint on or before June 11, 2012, ConAgra filed a Motion to Dismiss the Complaint on June
8 11, 2012;

9 WHEREAS, rather than responding to ConAgra’s Motion to Dismiss, Plaintiff Jones and
10 two additional named plaintiffs (Christine Sturges and Ed Ozard) filed an Amended Class Action
11 and Representative Action Complaint for Damages, Equitable and Injunctive Relief (“Amended
12 Complaint”) on July 2, 2012;

13 WHEREAS, pursuant to Rule 15 of the Federal Rules of Civil Procedure, ConAgra’s
14 response to the Amended Complaint would be due on July 16, 2012;

15 WHEREAS Defendant anticipates that it may file a Motion to Dismiss in response to
16 Plaintiff’s Amended Complaint;

17 WHEREAS ConAgra notes that the Amended Complaint, 75 pages in length and asserting
18 nine causes of action, adds two new named plaintiffs and alleges new factual claims not set forth
19 in the original Complaint;

20 WHEREAS, in light of calendar commitments of Defendant’s counsel, and ConAgra’s
21 desire for additional time to assess the new material and claims in the Amended Complaint and
22 potentially to brief a Motion to Dismiss, the parties have stipulated subject to Court approval that
23 ConAgra’s deadline to respond to the Amended Complaint shall be August 17, 2012;

24 WHEREAS, in order to permit themselves more time to brief the issues raised by
25 ConAgra’s anticipated Motion to Dismiss, and to accommodate counsel’s calendars, the parties
26 have agreed, subject to Court approval, to a briefing schedule in connection with the Motion to
27 Dismiss whereby the deadlines for each party’s filing will be as set forth below;

28 WHEREAS the parties agree that in light of the filing of the Amended Complaint and the

1 stipulated briefing and hearing scheduled, the Case management Conference currently scheduled
2 for August 10, 2012, should be rescheduled to coincide with the date for the anticipated Motion to
3 Dismiss hearing date;

4 WHEREAS the proposed briefing, hearing and CMC schedule is sought in good faith and
5 not for purposes of delay;

6 IT IS HEREBY STIPULATED, by and between the parties through their respective
7 counsel, that

- 8 1. Defendant shall respond to Plaintiffs' Amended Complaint no later than August 17,
9 2012;
- 10 2. Plaintiffs Opposition papers to any Motion to Dismiss filed by ConAgra shall be filed
11 no later than September 24, 2012;
- 12 3. Defendant shall file any Reply papers no later than October 8, 2012;
- 13 4. If Defendant moves to dismiss the Amended Complaint, it shall notice such motion for
14 hearing on October 26, 2012, or as soon thereafter as the matter may be heard by the
15 Court.
- 16 5. The initial Case Management Conference shall be held on October 26, 2012 at 10:00
17 AM.

18 **IT IS SO STIPULATED.**

19
20 Dated: July 6, 2012

HOGAN LOVELLS US LLP

21 By: /s/ Robert B. Hawk
22 Robert B. Hawk
23 Attorneys for Defendant
24 CONAGRA FOODS, INC.

25 Dated: July 6, 2012

PRATT & ASSOCIATES

26 By: /s/ Ben F. Pierce Gore
27 Ben F. Pierce Gore
28 Attorneys for Plaintiff
LEVI JONES

ORDER

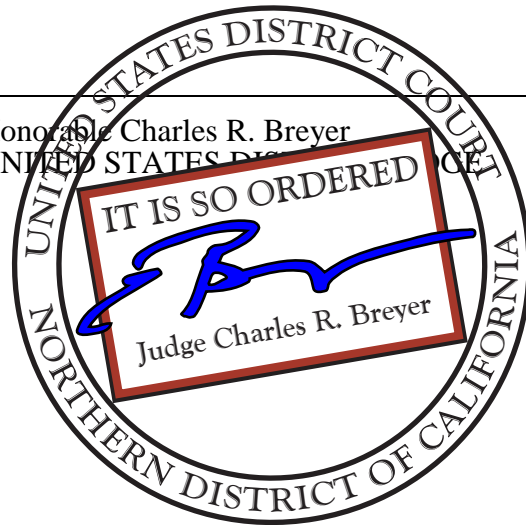
PURSUANT TO STIPULATION, and good cause appearing, the Court orders as follows:

1. Defendant shall respond to Plaintiffs' Amended Complaint no later than August 17, 2012;
2. Plaintiffs Opposition papers to any Motion to Dismiss filed by ConAgra shall be filed no later than September 24, 2012;
3. Defendant shall file any Reply papers no later than October 8, 2012;
4. If Defendant moves to dismiss the Amended Complaint, it shall notice such motion for hearing on October 26, 2012 at 10:00 AM, or as soon thereafter as the matter may be heard by the Court.
5. The initial Case Management Conference shall be held on October 26, 2012 at 10:00 AM.

IT IS SO ORDERED.

Dated: July 9, 2012

Honorable Charles R. Breyer
UNITED STATES DISTRICT COURT



I, Robert B. Hawk, attest that Ben F. Pierce Gore has read and approved the Stipulation And [Proposed] Order Re Extension Of Time To Respond To Amended Complaint And Modifying Briefing and CMC Schedule and consents to its filing in this action.